

OHIO
FOOD AND DRUG
LAWS

ALSO

SANITARY INSPECTION, LIQUOR
TRAFFIC TAX AND WEIGHTS AND
MEASURE LAWS

Compiled by
RENICK W. DUNLAP
State Dairy and Food Commissioner

1910



COLUMBUS, OHIO:
F. J. HEER, STATE PRINTER.
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LAWS

Regulating the Manufacture and Sale of Food, Drink, Drugs, Linseed Oil and Paints and Against Fraud and Deception Therein, Together with Laws Relating to Weights and Measures and the Collection of the Liquor Traffic Tax, And Law of Procedure for the Violation of Such Laws.

GENERAL CODE OF OHIO.

STATE DAIRY AND FOOD COMMISSIONER.

PART FIRST
TITLE III.
DIVISION I.
CHAPTER 7.

SECTION 368. There shall be elected biennially a state dairy and food commissioner who shall serve for a term of two years commencing on the first Tuesday after the fifteenth day of February following his election. (97 v. 64 sec. 1.)

State dairy and food commissioner, election and term.

SECTION 369. The state dairy and food commissioner shall have an office in the state house in which the books and records of the department shall be kept. He shall have a seal with which to attest official acts and documents. (97 v. 31 sec. 4.)

Office and seal.

SECTION 370. Before entering upon the discharge of the duties of his office, the state dairy and food commissioner shall give a bond in the sum of five thousand dollars, with two or more sureties approved by the governor, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the governor and the oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office. (88 v. 74 sec. 1.)

Bond.

SECTION 371. The state dairy and food commissioner may appoint not to exceed two assistant commissioners, and employ such experts, chemists, agents and inspectors as he deems necessary. He may also employ a clerk, whose compensation shall not exceed in any year the sum of twelve hundred dollars. (97 v. 30 secs. 1, 4.)

Assistant commissioners, experts and clerk.

SECTION 372. Before entering upon the discharge of the duties of his office, each assistant commissioner and each inspector shall give a bond to the state in the sum of one thousand dollars, with two or more sureties approved by the state dairy and food commissioner, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the commissioner and the oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office. (97 v. 31 sec. 4.)

Bonds of assistants and inspectors.

Traveling
expenses of
the commis-
sioner.

SECTION 373. The necessary traveling expenses of the state dairy and food commissioner in the discharge of his official duties shall be paid by the state in monthly installments; but the amount of expenses so paid shall not exceed seven hundred and fifty dollars in any year. (97 v. 64 sec. 1.)

Traveling
expenses of
assistants.

SECTION 374. The necessary traveling expenses of the assistant commissioners in the discharge of their official duties shall be paid by the state on itemized vouchers approved by the state dairy and food commissioner. Each expert, chemist, agent and inspector shall be allowed such compensation as may be fixed by the commissioner. (97 v. 31 sec. 4.)

Duties of the
commissioner
and assistants.

SECTION 375. The state dairy and food commissioner shall enforce the laws against fraud, adulteration or impurities in foods, drinks or drugs, and unlawful labeling within the state. The state commissioner, each assistant commissioner and each inspector shall inspect drugs, butter, cheese, lard, syrup and other articles of food or drink, made or offered for sale in the state, and prosecute or cause to be prosecuted each person, firm or corporation engaged in the manufacture or sale of an adulterated drug or article of food or drink, in violation of law. (84 v. 205 sec. 2; 97 v. 64 sec. 1.)

Powers of the
commissioner
and assist-
ants.

SECTION 376. The state dairy and food commissioner, each assistant commissioner and each inspector, in the performance of his duty, may enter a creamery, factory, store, salesroom, drug store, laboratory or other place where he believes or has reason to believe, drugs, food, drink or linseed oil, is made, prepared, sold or offered for sale, examine the books therein, and open a cask, tub, jar, bottle or other package containing or supposed to contain a drug or an article of food or drink and examine or cause to be examined and analyzed the contents thereof. (97 v. 30 sec. 3.)

Duty of pros-
ecuting attor-
ney.

SECTION 377. When requested by the state dairy and food commissioner, an assistant commissioner, or an inspector, the prosecuting attorney of any county shall render legal assistance in the prosecution of violations of the laws relating to fraud, adulteration or impurities in foods, drinks or drugs and unlawful labeling within the state. (97 v. 30 sec. 3.)

Fines, fees
and costs.

SECTION 378. All fines, fees and costs collected under prosecutions begun, or caused to be begun, by the state dairy and food commissioner, shall be paid by the court to the commissioner within thirty days after collection, unless error proceedings have been properly begun and prosecuted and in case the judgment of the justice of the peace is sustained the fine shall be paid within thirty days after such judgment of affirmance, and by said commissioner paid into the state treasury to the credit of the general revenue fund. (97 v. 31 sec. 4; amended April 7, 1910.)

SECTION 378-1. If the court fails to so pay such fines, fees and costs, the state dairy and food commissioner shall bring suit in the name of the state, for the recovery thereof and interest thereon, and the court in rendering judgment therefor shall add a penalty of ten per cent. on the amount found to be due such general revenue fund. (Act of April 7, 1910.)

Suits to collect.

SECTION 379. All charges, accounts and expenses, authorized by the provisions of this chapter shall be paid by the state on the warrant of the auditor of state, upon vouchers certified by the state dairy and food commissioner. (97 v. 31 sec. 4.)

Expenses of the department.

SECTION 380. At such times as he deems proper, the state dairy and food commissioner shall issue bulletins containing such information as he may have, relating to the condition of the various products he is required by law to inspect or cause to be inspected, the results of analyses by him caused to be made and such other information as he deems proper. These bulletins shall be immediately published by the state and distributed by the commissioner. (97 v. 31 sec. 4.)

Bulletins.

SECTION 381. The state dairy and food commissioner shall make an annual report to the governor, containing an itemized statement of the receipts and expenditures of the department, the persons employed by him, together with such statistics and other matter as he regards of value. (97 v. 31 sec. 4.)

Annual report.

SECTION 12757. Whoever refuses to allow the dairy and food commissioner of the state of Ohio, an assistant commissioner, an inspector or his agents, to enter a creamery, factory, store, salesroom, drug store, laboratory, booth, vehicle, steam or electric car or place which he desires to enter in the discharge of his official duty, or interferes with him in such discharge, or refuses to deliver to him a sample of food, drug or linseed oil made, sold, offered or exposed for sale by such person, upon request therefor and tender of the value thereof, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense, shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in jail not less than thirty days nor more than one hundred days, or both. (99 v. 386 sec. 3a.)

Dairy and food commissioner refused entrance to factory, etc.

PART FOURTH
TITLE I.
CHAPTER 6

ADULTERATIONS.

SECTION 5774. No person, within this state, shall manufacture for sale, offer for sale, sell or deliver, or have in his possession with intent to sell or deliver, a drug or article of food which is adulterated within the meaning of this chapter, or offer for sale, sell or deliver, or have

PART SECOND
TITLE II.
CHAPTER I.

Adulterated and misbranded drugs or food.

in his possession with intent to sell or deliver, a drug or article of food which is misbranded within the meaning of this chapter. (99 v. 257 sec. 1.)

Definition of the terms "drug," "food" and "flavoring extract."

SECTION 5775. The term "drug," as used in this chapter, includes all medicines for internal or external use or inhalation, antiseptics, disinfectants and cosmetics. The term "food," as used in this chapter, includes all articles used by man for food, drink, flavoring extract, confectionery, or condiment, whether simple, mixed or compound. The term "flavoring extract," as used in this chapter, includes all articles used as a flavor for foods or drinks, whether used or sold as an extract, flavor, essence, tincture or by another name. (98 v. 263 sec. 2.)

Samples of drugs and food for analysis.

SECTION 5776. A person manufacturing, offering or exposing for sale, or delivering to a purchaser, a drug or article of food included in the provisions of this chapter, shall furnish to a person interested or demanding it, applying to him therefor and tendering him its value, a sample thereof sufficient for the analysis of such drug or article of food. (81 v. 67 sec. 4.)

What is adulteration of drugs.

SECTION 5777. A drug is adulterated within the meaning of this chapter (1) if, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, but which is found in some other pharmacopoeia, or other standard work on materia medica, it differs materially from the standard strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it is an imitation of, or offered for sale under the name of another article; (5) if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; (6) if it contains any methyl or wood alcohol. (100 v. 105 sec. 3.)

Same as to food, etc.

SECTION 5778. Food, drink, confectionery or condiments are adulterated within the meaning of this chapter (1) if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not or, in the case of milk, if it is the product of a diseased animal; (6) if it is colored, coated, polished

or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (9) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, but is found in some other pharmacopoeia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (10) if the strength, quality or purity falls below the professed standard under which it is sold; (11) if it contains any methyl or wood alcohol. (100 v. 105 sec. 3.)

SECTION 5779. A flavoring extract is adulterated within the meaning of this chapter (1) if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it is colored whereby damage or inferiority is concealed, or if it by any means is made to appear better or of greater value than it really is; (6) if it contains any added substance or ingredient which is poisonous or injurious to health; (7) if the strength, quality or purity falls below the professed standard under which it is sold; (8) if it contains any methyl or wood alcohol. (100 v. 105 sec. 3.)

Same as to
flavoring ex-
tracts.

SECTION 5780. A flavoring extract is also adulterated within the meaning of this chapter, if, when sold under or by any one of the following names it differs from the standard hereby fixed therefor: (1) Almond extract shall be the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid, and shall contain not less than one per cent. by volume of oil of bitter almonds; (2) anise extract shall be the flavoring extract prepared from oil of anise, and shall contain not less than three per cent. by volume of oil of anise; (3) celery seed extract shall be the flavoring extract prepared from celery seed or the oil of celery seed, or both, and shall contain not less than three-tenths per cent. by volume of oil of celery seed; (4) cassia extract shall be the flavoring extract prepared from oil of cassia, and shall contain not less than two per cent. by volume of oil of cassia; (5) cinnamon extract shall be the flavoring extract prepared from oil of cinnamon, and shall contain not less than two per cent. by volume of oil of cin-

Same.

namon; (6) clove extract shall be the flavoring extract prepared from oil of cloves, and shall contain not less than two per cent. by volume of oil of cloves; (7) ginger extract shall be the flavoring extract prepared from ginger, and shall contain in each one hundred cubic centimeters the alcohol-soluble matters from not less than twenty grams of ginger; (8) lemon extract shall be the flavoring extract prepared from oil of lemon, or from lemon peel or both, and shall contain not less than five per cent. by volume of oil of lemon; (9) terpeneless extract of lemon shall be the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or by dissolving terpeneless oil of lemon in dilute alcohol; and shall contain not less than two-tenths per cent. by weight of citral derived from oil of lemon; (10) nutmeg extract shall be the flavoring extract prepared from oil of nutmeg, and shall contain not less than two per cent. by volume of oil of nutmeg; (11) orange extract shall be the flavoring extract prepared from oil of orange, or from orange peel, or both, and shall contain not less than five per cent by volume of oil of orange; (12) terpeneless extract of orange shall be the flavoring extract prepared by shaking oil of orange with dilute alcohol, or by dissolving terpeneless oil of orange in dilute alcohol and shall correspond in flavoring strength to orange extract; (13) peppermint extract shall be the flavoring extract prepared from oil of peppermint or from peppermint, or both, and shall contain not less than three per cent. by volume of oil of peppermint; (14) rose extract shall be the flavoring extract prepared from otto of roses, with or without rose petals, and shall contain not less than four-tenths per cent. by volume of otto of roses; (15) savory extract shall be the flavoring extract prepared from oil of savory, or from savory, or both, and shall contain not less than thirty-five hundredths per cent. by volume of oil of savory; (16) spearmint extract shall be the flavoring extract prepared from oil of spearmint, or from spearmint, or both, and shall contain not less than three per cent. by volume of oil of spearmint; (17) star anise extract shall be the flavoring extract prepared from oil of star anise, and shall contain not less than three per cent. by volume of oil of star anise; (18) sweet basil extract shall be the flavoring extract prepared from oil of sweet basil, or from sweet basil, or both, and shall contain not less than one-tenth per cent. by volume of oil of sweet basil; (19) sweet marjoram extract or marjoram extract, shall be the flavoring extract prepared from the oil of marjoram, or from marjoram, or both, and shall contain not less than one per cent. by volume of oil of marjoram; (20) thyme extract shall be the flavoring extract prepared from oil of thyme, or from thyme, or both, and shall contain not less than two-tenths per cent. by volume of oil of thyme; (21) tonka extract shall be the flavoring extract prepared from tonka bean, with or without sugar or glycerine, and shall contain not

less than one-tenth per cent. by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof; (22) vanilla extract shall be the flavoring extract prepared from vanilla bean, with or without sugar or glycerine, and shall contain in one hundred cubic centimeters the soluble matters from not less than ten grams of the vanilla bean; (23) wintergreen extract shall be the flavoring extract prepared from oil of wintergreen, and shall contain not less than three per cent. by volume of oil of wintergreen. All of said flavoring extracts shall be a solution in ethyl alcohol of proper strength of the sapid and odorous principles derived from an aromatic plant, or parts of the plant, and shall conform in name to the plant used in its preparation. (100 v. 105 sec. 3.)

SECTION 5784. A drug shall be misbranded within the meaning of this chapter:

What is misbranding of drugs.

1. If the package fails to bear a statement on the label of the quantity or proportion of grain or ethyl alcohol, morphine, opium, cocaine, heroine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide or any derivative or preparation of such substances contained therein, provided, that the provisions of this section shall not apply to the prescriptions of regularly licensed physicians, dentists and doctors of veterinary medicine, nor to such drugs and preparations as are officially recognized in the eighth decennial revision of the United States pharmacopoeia, or the third edition of the National Formulary, and which are sold under the name by which they are so recognized; (2) if the package containing it or any label thereon bears a statement, design or device regarding it or the ingredients or substances contained therein, which is false or misleading in any particular. (99 v. 258 sec. 3a.)

SECTION 5785. Food, drink, flavoring extracts, confectionery or condiment shall be misbranded within the meaning of this chapter:

What is misbranding of food, etc.

1. If the package fails to bear a statement on the label of the quantity or proportion of morphine, opium, cocaine, heroine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of such substances contained therein; (2) if it is labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so; (3) if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package; (4) in case of a flavoring extract, for which no standard exists, if it is not labeled "artificial" or "imitation" and the formula printed in the manner hereinafter provided for the labeling of "compounds" or "mixtures" and their formulae; (5) if the package containing it or a label thereon bears a statement, design or device regarding it or the ingredients or substances contained therein, which is false or mislead-

ing in any particular; provided, that this section shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food or drink, if each package sold or offered for sale is distinctly labeled in words of the English language as mixtures or compounds with the name and percentage, in terms of one hundred per cent. of each ingredient therein. The word "compound" or "mixture" shall be printed in letters and figures not smaller in height or width than one-half the largest letter upon any label on the package and the formula shall be printed in letters and figures not smaller in height or width than one-fourth the largest letter upon any label on the package, and such compound or mixture must not contain an ingredient that is poisonous or injurious to health. (99 v. 258 sec. 3a.)

Selling adulterated or misbranded food or drug.

SECTION 12758. Whoever manufactures for sale, offers for sale or sells a drug, article of food, or flavoring extract which is adulterated or misbranded as the terms "drugs," "food," "flavoring extract," "adulterated" and "misbranded" are defined and described by law, or manufactures, offers or exposes for sale or delivers a drug or article of food and fails, upon demand and tender of its value, to furnish a sample thereof for analysis, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than thirty days nor more than one hundred days, or both. (81 v. 67 sec. 4; 99 v. 259 sec. 5.)

Additional penalty.

SECTION 12759. A person found guilty of manufacturing, offering for sale or selling an adulterated article of food or drug, as described in the next preceding section, shall pay all necessary costs and expenses incurred in inspecting and analyzing such adulterated article. (99 v. 259 sec. 5.)

Selling, etc., unwholesome provisions.

SECTION 12760. Whoever sells, offers for sale or has in his possession with intent to sell, diseased, corrupted, adulterated or unwholesome provisions without making the condition thereof known to the buyer, shall be fined not more than fifty dollars or imprisoned twenty days, or both. (R. S. Sec. 6928.)

VINEGAR.

Vinegar.

SECTION 5786. No person shall manufacture, offer or expose for sale, sell or deliver, or have in possession with intent to sell or deliver, vinegar not in compliance with the provisions of this chapter. Vinegar shall be made wholly from the fruit or grain from which it purports, or is represented, to be made and shall not contain a foreign substance or less than four per cent. by weight, of absolute acetic acid. (99 v. 28, 29 secs. 1, 2.)

SECTION 5787. Vinegar manufactured, offered or exposed for sale, sold or delivered, or in the possession of a person with intent to sell or deliver, under the name of cider vinegar, apple vinegar, or any compounding of the word 'cider' or 'apple' as the name or part of the name of vinegar, shall be the product made by the alcoholic and subsequent acetous fermentations of the juice of apples, and shall not contain any foreign substance, drugs or acids, and is laevo-rotatory. It shall contain not less than four grains of acetic acid, not less than one and six-tenths grams of apple solids of which not more than fifty per cent. are reducing sugars, and not less than twenty-five hundredths grams of apple ash in one hundred cubic centimeters at a temperature of twenty degrees centigrade. The water-soluble ash from one hundred cubic centimeters, at a temperature of twenty degrees centigrade, of the vinegar shall contain not less than ten milligrams of phosphoric acid (P_2O_5) which shall require not less than thirty cubic centimeters of decinormal acid to neutralize its alkalinity. (99 v. 28 sec. 1.)

Cider or
apple vinegar.

SECTION 5788. Vinegar manufactured, offered or exposed for sale, sold or delivered or in the possession of a person with intent to sell or deliver, under the name of wine vinegar, or grape vinegar, shall be the product made by the alcoholic and subsequent acetous fermentations of the juice of grapes, and shall contain in one hundred cubic centimeters, at a temperature of twenty degrees centigrade, not less than four grams of acetic acid, not less than one gram of grape solids and not less than thirteen hundredths grams of grape ash. (99 v. 28 sec. 1.)

Wine or
grape vine-
gar.

SECTION 5789. Vinegar manufactured, offered or exposed for sale, sold or delivered or in the possession of a person with intent to sell or deliver, under the name of malt vinegar shall be the product made by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt, is dextro-rotatory, and shall contain in one hundred cubic centimeters, at a temperature of twenty degrees centigrade, not less than four grams of acetic acid, not less than two grams of solids, and not less than two-tenths grams of ash. The water-soluble ash from one hundred cubic centimeters, at a temperature of twenty degrees centigrade, of the vinegar shall contain not less than nine milligrams of phosphoric acid (P_2O_5) which shall require not less than four cubic centimeters of decinormal acid to neutralize its alkalinity. (99 v. 28 sec. 1.)

Malt vine-
gar.

SECTION 5790. Vinegar manufactured, offered or exposed for sale, sold or delivered or in the possession of a person with intent to sell or deliver, under the name of distilled vinegar, shall be the product made wholly or in part by the acetous fermentation of dilute distilled alcohol and shall contain in one hundred cubic centimeters, at a temperature of twenty degrees centigrade, not less than

Distilled
vinegar.

four grams of acetic acid, and shall be free from coloring matter, added during, or after distillation and from coloring other than that imparted to it by distillation. Vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and free from coloring matter, added during or after distillation, and from color other than that imparted to it by distillation. (99 v. 28, 29 secs. 1, 2.)

Fermented
vinegar.

SECTION 5791. Vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vinegar" with the name of the fruit or substance from which it is made. Fermented vinegar, not otherwise provided for in this chapter and not being distilled vinegar as defined in the next preceding section, shall contain not less than two per cent. by weight, upon full evaporation at the temperature of boiling water, of solids, contained in the fruit or grain or substance from which such vinegar is fermented, and not less than two and one-half-tenths of one per cent. ash or mineral matter, the product of the material from which such vinegar is manufactured. (99 v. 29 sec. 2.)

Injurious in-
gredients in
vinegar;
brands.

SECTION 5792. A person shall not manufacture for sale, offer for sale, or have in his possession with intent to sell, vinegar found upon proper test to contain a preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. The head of a cask barrel, package or keg containing vinegar shall be branded with the name and residence of the manufacturer and conform to the provisions of the next two preceding sections. (92 v. 100 sec. 3.)

Brands on
casks of
cider vine-
gar.

SECTION 5793. A person making or manufacturing cider vinegar, not a domestic manufacturer of cider or cider vinegar, shall brand on each head of each cask, barrel or keg containing such vinegar, the name and residence of the manufacturer, the date when manufactured, and the words "cider vinegar." Vinegar shall not be branded "fruit vinegar" unless it is made wholly from apples, grapes or other fruits. (93 v. 185 sec. 4.)

Manufacturing
farmer.

SECTION 5794. A farmer may manufacture, in any one year, not more than twenty-five barrels of pure cider or fruit vinegar for sale. Such vinegar, so manufactured, must be branded "domestic cider vinegar," with the name of such farmer and date of manufacture. (93 v. 185 sec. 4.) v. 231 sec. 1.)

Vinegar.

SECTION 12774. Whoever manufactures for sale, sells, delivers, offers or exposes for sale, or has in possession with intent to sell or deliver, vinegar not made in compliance with law, or contained in packages not branded in compliance with law, or violates any provision of law relating to vinegar, adulterated vinegar, or "fermented" or "distilled" vinegar, shall be fined not less than fifty dol-

lars nor more than one hundred dollars or imprisoned not less than thirty days nor more than one hundred days, or both, and pay all necessary costs and expenses incurred in inspecting and analyzing such vinegar. (92 v. 100 sec. 4; 93 v. 185 sec. 4.)

WINES AND LIQUORS.

SECTION 5795. Liquors denominated as wine, or, if used as a beverage, by any other name or title, containing alcohol not produced solely by the fermentation of pure undried grape juice, or which are compounded with distilled spirits or other liquors, preserved fruit juices, compounded with substances not produced from undried fruit, intended to be used as beverages, wines which contain, or in the production or manner of manufacture of which there has been used, glucose and uncrystallized grape or starch sugar, cider, or pomace of grapes out of which the juice has been extracted and known as grape cheese, and wines, imitation of wines, or other beverages, produced from fruit into which carbonic acid has been artificially injected, or containing alum, baryta, salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, salts of lead, salicylic acid or antiseptic or coloring matter other than that produced from undried fruits or pure sugar, or a foreign substance injurious to health, shall be designated as "adulterated wine." This section shall not mean that "compounded wine," as defined and described in section fifty-eight hundred, shall be deemed to be adulterated wine. (88 v. 231 sec. 1.)

Adulterated wine.

SECTION 5796. The term "wine" means the fermented juice of undried grapes. The addition of pure white or crystallized sugar to perfect the wine, or using ingredients necessary solely to clarify and refine it which are not injurious to health, shall not be adulterations. Such wine shall contain at least seventy-five per cent. of pure grape juice, and shall not contain artificial flavoring. (88 v. 232 sec. 3.)

"Wine" defined.

SECTION 5797. Wine, as defined in the next preceding section, shall be known as "wine," and shall be stamped, branded, labeled and sold as "wine," in a like manner as is provided in section fifty-seven hundred and ninety-nine, in case of pure wine, except the words in this case shall be "wine" without the prefix "pure," and the provisions of such section, as far as applicable, shall govern the manufacture and sale of "wine" as defined in such preceding section. A person selling such wine, in the invoice thereof, shall plainly state and designate it as "wine" without using the prefix "pure." (88 v. 232 sec. 3.)

Branding and sale thereof.

SECTION 5798. The term "pure wine" means the fermented juice of undried grapes, without the addition thereto of water, sugar, or foreign substance. Such wine shall be

"Pure wine" defined.

known as "pure wine," and shall be stamped, branded, labeled, designated and sold as "pure wine," and the name and kind of wine, the locality where such wine is made, and the name of the manufacturer, may also be added. (88 v. 231 sec. 2.)

Branding and
sale thereof.

SECTION 5799. It shall be unlawful to affix a stamp, brand or label containing the words "pure wine," either alone or with other words, on a vessel, package, bottle or other receptacle containing a substance other than pure wine as defined in the next preceding section, or to prepare or use on a vessel, package, bottle or other receptacle containing liquid, an imitation or counterfeit of such stamp, label or brand, or a stamp, label or brand of such form and appearance as to deceive a person, or cause it to be supposed that the contents thereof are pure wine, or to use a vessel, package, bottle or other receptacle having such stamp, brand or label affixed thereon, except for pure wine as in such section defined. If the name of the manufacturer is added, the contents shall be of his make, providing it is pure wine. A person selling such wine, in the invoice thereof, shall plainly state and designate it as "pure wine." (88 v. 231 sec. 2.)

"Compounded
wine" de-
fined.

SECTION 5800. The term "compounded wine" means wine containing less than seventy-five per cent. of pure undried grape-juice, and otherwise pure. Wines containing alcohol or other distilled spirits not produced by the natural fermentation of pure undried grapes shall be known as "compounded wine," and be branded, marked, labeled and sold as such, and the name of such wine may be added, or such wine shall be branded, labeled and marked by using the word "compounded" next preceding the name of such wine, as "compounded sweet catawba," or "compounded port wine," or the like. An addition of pure distilled spirits, not to exceed eight per cent. of its volume, shall not be an adulteration thereof. (88 v. 232 sec. 4.)

Branding and
sale thereof.

SECTION 5801. Upon both ends of each package, barrel or other receptacle of compounded wine, containing more than three gallons, shall be stamped in black printed letters at least one inch high and of proper proportion, the words "compounded wine" or the name of such wine, preceded by the word "compounded," as provided in the next preceding section. Upon each package or other receptacle containing more than one quart and up to three gallons shall be stamped in plain printed black letters, at least one-half inch high, and of proper proportion, the words "compounded wine," or the name of such wine, preceded by the word "compounded," as in such section provided. Upon each package, bottle, or other receptacle of one quart or less, shall be placed a label securely pasted on which the words "compounded wine," or the name of the wine, preceded by the word "compounded," shall be plainly printed in black letters at least one-fourth of an inch high and of proper proportion. Should such packages or other recep-

tacles be enclosed in a larger package, as a box, barrel, case or basket, such larger package shall receive the stamp "compounded wine" or the name of such wine preceded by the word "compounded," the letters to be the size according to the amount of such wine contained in such larger package. A person selling wine as defined by the next preceding section, shall plainly state and designate such wine, in the invoice thereof, as "compounded wine." (88 v. 232 sec. 4.)

SECTION 5802. A person who sells, offers for sale, manufactures or causes to be manufactured with intent to sell, wine stamped, labeled, branded or designated as "pure wine," either by including the word "pure" with "wine" alone or in connection with other words, which is not "pure wine" as in this chapter defined, or wine stamped, labeled, branded or designated as "wine" which is not wine as in this chapter defined, or violates a provision of sections fifty-seven hundred and ninety-six, fifty-seven hundred and ninety-seven, fifty-seven hundred and ninety-eight and fifty-seven hundred and ninety-nine, or sells, offers for sale, manufactures or causes to be manufactured with intent to sell, wine of the kind and character described in the next two preceding sections, not stamped, marked or labeled after the manner therein prescribed, or which is falsely stamped, marked or labeled, shall be liable to a penalty of one-half dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell or offer for sale. (86 v. 98 sec. 5.)

Penalties under last six sections.

SECTION 5803. Penalties imposed by the next preceding section may be recovered with costs of action by a person in his own name, before a justice of the peace in the county where such violation was committed, if the amount does not exceed the jurisdiction of such justice. Such penalties may be recovered in a like manner in any court of record in the state, but on recovery in such case of a sum less than fifty dollars, the plaintiff shall only be entitled to costs equal to the amount of such recovery. (86 v. 98 sec. 5.)

How penalties recovered.

SECTION 5804. Prosecuting attorneys shall prosecute actions in the name of the state of Ohio, for the recovery of the penalties allowed in section fifty-eight hundred and two, upon receiving proper information thereof; and, in such actions, one-half of the penalty recovered shall be paid to the persons giving the information upon which such action is brought, and the other half to the treasurer of the county in which such action is brought, within thirty days after its collection, which shall be placed to the credit of the poor fund of the village, city or township in which the cause of action arose. A judgment recovered in pursuance of this chapter, may be collected and enforced by like means and in a like manner as judgments in other cases. (86 v. 98 sec. 5.)

Where penalties paid.

Exceptions.

SECTION 5805. This chapter shall not apply to medicated wines put up and sold for medical purposes only; or to currant wine or other wines made from fruits other than grapes, which are plainly labeled, branded or designated and sold, or offered for sale under names including the word "wine," and stating distinctly the fruit from which they are made, as "gooseberry wine," "elderberry wine," or the like. (86 v. 90 sec. 6.)

Manufacture or sale of adulterated wine.

SECTION 12767. Whoever manufactures or causes to be manufactured with intent to sell, or sells or offers to sell adulterated wine as defined and described by law, shall be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned in the county jail not less than thirty days nor more than six months, or both, and shall be liable to a penalty of one dollar for each gallon thereof sold, offered for sale or manufactured with intent to sell. (88 v. 231 sec. 1.)

Same a nuisance.

SECTION 12768. Such adulterated wine or beverage shall be a public nuisance and forfeited to the state and be summarily seized and destroyed by any health officer, marshal, constable or sheriff within whose jurisdiction it is found, and the reasonable expense of such seizure and destruction shall be paid out of the county treasury in a like manner and amount as costs in criminal cases where the state fails to convict. (88 v. 231 sec. 1.)

Selling "compounded wine" improperly stamped.

SECTION 12769. Whoever sells, offers for sale, manufactures or causes to be manufactured with intent to sell, a wine of the kind and character described by law to be "compounded wine," which is not stamped, branded, marked or labeled in the manner prescribed by law, or which is falsely stamped, branded, marked or labeled or violates any provisions of law with reference to "compounded wine," shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned in the county jail not less than thirty days nor more than six months, or both, and in addition thereto shall be liable to a penalty of one-half dollar for each gallon thereof sold, offered for sale or manufactured with intent to sell or offer for sale. (86 v. 98 sec. 5; 88 v. 232 sec. 4.)

Improper use of words "pure wine."

SECTION 12770. Whoever sells, offers for sale, manufactures or causes to be manufactured with intent to sell, a wine stamped, labeled, branded or designated as "pure wine," either by including the word "pure" with "wine" alone or in connection with other words, which is not "pure wine" as defined and described by law, or which is not stamped, marked, branded or labeled in the manner prescribed by law, or which is falsely stamped, marked or labeled or violates any provision of law relating to "pure wine," shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned in the county jail not less than thirty days nor more than six months, or both, and, in addition thereto shall be liable

to a penalty of one-half dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell or offer for sale. (86 v. 98 sec. 5.)

SECTION 12771. Whoever sells, offers for sale, manufactures or causes to be manufactured with intent to sell, wine stamped, labeled, branded or designated as "wine," but which is not wine as defined and described by law, or which is not stamped, marked or labeled in the manner prescribed by law, or which is falsely stamped, marked or labeled, or violates any provision of law relating to "wine," shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned in the county jail not less than thirty days nor more than six months, or both, and, in addition thereto, shall be liable to a penalty of one-half dollar for each gallon thereof sold, offered for sale or manufactured with intent to sell or offer for sale. (86 v. 98 sec. 5; 88 v. 232 sec. 3.)

Improper use
of word
"wine."

SECTION 12772. Whoever adulterates wine made, or juice expressed from grapes grown within this state by mixing therewith a drug, chemical, cider, whisky or other liquor, or sells, or offers to sell such adulterated wine or grape juice knowing it to be adulterated, shall be fined not less than fifty dollars nor more than three hundred dollars. (R. S. Sec. 7081.)

Adulterated
domestic
wine.

SECTION 12773. Whoever puts adulterated liquor into a barrel, cask or other vessel having the private stamp, brand, wrapper, label or trade-mark usually affixed by a maker of wine from grapes grown within this state, for the purpose of deceiving another by the sale thereof, shall be fined not more than one hundred dollars or imprisoned not less than three months nor more than twelve months, or both. (R. S. Sec. 7073.)

Using vessel
with private
stamp for
wine.

SECTION 12675. Whoever uses an active poison in the manufacture or preparation of intoxicating liquor or sells intoxicating liquor so manufactured or prepared, shall be imprisoned in the penitentiary not less than one year nor more than five years. (R. S. Sec. 7083.)

Manufacturing
or selling
poisoned
liquors.

SECTION 12676. Whoever for the purpose of sale, adulterates spirituous, alcoholic or malt liquor used or intended for drink or medical or mechanical purposes, with cocculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazilwood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous or injurious to health, or with a substance not a necessary ingredient in the manufacture thereof, or sells, offers or keeps for sale liquors so adulterated, shall be fined not less than twenty dollars nor more than one hundred dollars or imprisoned not less than twenty days nor more than sixty days, or both. (R. S. Sec. 7082.)

Poisonously
adulterated
liquors.

SECTION 12677. In addition to the penalties provided in the next preceding section, a person convicted thereunder

Costs and
expenses.

shall pay all necessary costs and expenses incurred in inspecting and analyzing liquors so adulterated, sold, kept or offered for sale. (R. S. Sec. 7082.)

Putting adulterated liquors in branded packages.

SECTION 13211. Whoever puts adulterated liquor into a barrel, cask or other vessel, branded or marked "pure" by an inspector in this state, or knowingly sells or offers such liquor for sale in packages so branded, shall be imprisoned in the penitentiary not more than twelve months. (R. S. Sec. 7074.)

Failing to properly brand packages of liquor.

SECTION 13212. Whoever, manufacturing and selling intoxicating liquor, fails to brand on each package thereof the name of the person or company manufacturing, rectifying or preparing it, and the words "containing no poisonous drug or other added poison," shall be fined not more than one thousand dollars and imprisoned not less than one month nor more than six months. (R. S. Sec. 6949.)

Adulterated liquors.

SECTION 13213. Whoever adulterates spirituous or alcoholic liquor, except for medicinal or mechanical purposes, by mixing a substance with it or sells or offers such liquor for sale, knowing it to be so adulterated, shall be fined not less than one hundred dollars nor more than five hundred dollars, and imprisoned not less than ten days nor more than thirty days. (R. S. Sec. 6950.)

Selling uninspected liquors.

SECTION 13214. Whoever sells or offers to sell spirituous liquor, not inspected as provided by law, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than thirty days. (R. S. Sec. 4330.)

PART FOURTH
TITLE I.
CHAPTER 6.

DAIRY PRODUCTS.

MILK.

Definition of adulterated milk.

SECTION 12716. In all prosecutions under this chapter, if milk is shown upon analysis to contain more than eighty-eight per cent. of watery fluid, or to contain less than twelve per cent. of solids or three per cent. of fats, it shall be deemed to be adulterated. (97 v. 119 sec. 4.)

Sale of adulterated milk.

SECTION 12717. Whoever sells, exchanges, or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, or milk from cows fed on wet distillery waste or starch waste, or from cows kept in a dairy or place which has been declared to be in an unclean or unsanitary condition by certificate of any duly constituted board of health or duly qualified health officer within the county in which said dairy is located, or from diseased or sick cows, shall be fined not less than fifty dollars nor more than two hundred dollars; and, for a second offense, shall be fined not less than one hundred dollars nor more

than three hundred dollars, or imprisoned in the jail or workhouse not less than thirty days nor more than sixty days. (99 v. 239 sec. 1.)

SECTION 12718. For a subsequent offense, a person violating the next preceding section shall be fined fifty dollars and imprisoned in the jail or workhouse not less than sixty days nor more than ninety days. (99 v. 239 sec. 1.)

Penalty for subsequent offense.

SECTION 12719. Whoever sells, exchanges, delivers or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale as pure milk, any milk from which the cream or part thereof has been removed, shall be fined not less than fifty dollars nor more than two hundred dollars. For a second offense he shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the jail or workhouse not less than thirty days nor more than sixty days, and, for a subsequent offense, shall be fined fifty dollars and imprisoned in the jail or workhouse not less than sixty days nor more than ninety days. (86 v. 229 sec. 2.)

Misrepresentation as to pure milk.

SECTION 12720. Whoever sells, exchanges, delivers or has in his custody or possession with intent to sell, exchange or deliver, milk from which the cream or part thereof has been removed, unless in a conspicuous place above the center and upon the outside of each vessel, can or package, from which or in which such milk is sold, the words "skimmed milk" are distinctly marked in uncondensed gothic letters not less than one inch in length, shall be fined not less than fifty dollars nor more than two hundred dollars. (86 v. 229 sec. 3.)

Skimmed milk.

SECTION 12721. For a second offense, a person violating the next preceding section shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the jail or workhouse not less than thirty days nor more than sixty days, and, for a subsequent offense, shall be fined fifty dollars and so imprisoned not less than sixty days nor more than ninety days. (86 v. 229 sec. 3.)

Subsequent offense.

SECTION 12725. Whoever manufactures, sells, exchanges, exposes or offers for sale or exchange, condensed milk unless it has been made from pure, clean, fresh, healthy, unadulterated and wholesome milk, from which the cream has not been removed and in which the proportion of milk solids shall be the equivalent of twelve per cent. of milk solids in crude milk, twenty-five per cent. of such solids being fat, and unless the package, can or vessel containing it is distinctly labeled, stamped or marked with its true name, brand, and by whom and under what name made, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 secs. 13, 15.)

Condensed milk.

Delivery of adulterated milk to cheese and butter factories.

SECTION 12726. Whoever, with intent to defraud, sells, delivers, or causes to be delivered, to a cheese or butter factory, milk which is adulterated or diluted within the meaning of the law, or from which any cream has been taken, or from which the part known as "stripping" has been withheld, or keeps or renders a false account of the quantity or weight of milk furnished at or to a factory or sold to a manufacturer, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 secs. 9, 15.)

Impure or unhealthy milk.

SECTION 12727. Whoever sells, exchanges, or offers for sale or exchange, unclean, impure, unhealthy or unwholesome milk shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 secs. 10, 15.)

Milk falsely branded or labeled.

SECTION 12728. Whoever sells, exchanges, exposes, offers for sale or exchange, has in his possession or disposes of milk which is falsely branded, labeled, marked or represented as to grade, quantity or place where produced or procured, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 secs. 11, 15.)

Keeping unhealthy cow.

SECTION 12729. Whoever keeps a cow for the production of milk in a cramped or unhealthy condition, or feeds it on unhealthy food, or on food which produces impure, unhealthy or unwholesome milk, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 secs. 12, 15.)

MILK TESTING.

Standard milk measure or pipette.

SECTION 12722. Whoever uses a standard measure of milk or cream other than that which is defined in this section, where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of such milk or cream is determined by the per cent. of butter fat contained therein by the Babcock test, shall be fined not less than twenty-five dollars nor more than one hundred dollars. In the use of the Babcock test the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters and the standard test tubes or bottles for milk

shall have a capacity of two cubic centimeters for each ten per cent. marked on the necks thereof. The standard unit of cream for testing shall be eighteen grams. (97 v. 285, 286, secs. 1, 4.)

SECTION 12723. Whoever offers for sale or sells a milk pipette or measure, test tube or bottle which is not correctly marked or graduated as provided in the next preceding section, shall be fined not less than twenty-five dollars nor more than one hundred dollars. (97 v. 286, secs. 2, 4.)

Selling or offering incorrectly marked measures.

SECTION 12724. Whoever, at a cheese factory, creamery, condensed milk factory or other place where milk is tested for quality or value, manipulates, underreads or overreads the Babcock test or any other contrivance used for determining the quality or value of milk or cream, or makes a false determination by the Babcock test or otherwise, shall be fined not less than twenty-five dollars nor more than one hundred dollars. (97 v. 286 secs. 3, 4.)

Manipulating the Babcock test.

MILK BOTTLES.

SECTION 12730. Whoever fills or refills with milk, cream or other milk product a glass jar or bottle, with intent to sell such milk, cream or other milk product, unless such glass jar or bottle is first thoroughly cleansed or sterilized, shall be fined not more than one hundred dollars. (99 v. 454 sec 2, 100 v. 17, sec. 3.)

Cleansing milk and cream bottle.

SECTION 13169. Whoever fills or refills with milk, cream or other milk product, a glass jar or bottle having the name of a person, firm or corporation blown therein, with intent to sell such milk, cream or other product, shall be fined not more than one hundred dollars. This section shall not apply to a person, firm or corporation whose name is blown in such glass jar or bottle or an authorized agent or employe thereof. (99 v. 454 sec. 1; 100 v. 17 sec. 3.)

Refilling milk or cream bottle having the name of another blown therein.

OLEOMARGARINE.

SECTION 12731. Whoever sells, deals in, keeps for sale, exposes or offers for sale or exchange, a substance other than butter or cheese made wholly from pure milk or cream, salt and harmless coloring matter, which appears to be, resembles or is made in imitation of, or as a substitute for, butter or cheese, without keeping a card, not less than ten by fourteen inches in size in a conspicuous place where it may be easily seen and read in the store, room, stand, booth, wagon or place where such substance is, on which is printed upon a white ground in black Roman letters, not less in size than twelve line pica, the words "oleomargarine sold here," or "imitation cheese sold here," and no other words, or sells oleomargarine, suine, imitation cheese or other dairy product at retail or in any quantity less than the original package, tub or firkin, unless he shall

Placards to be displayed by dealers.

first inform the purchaser that the substance is not butter or cheese, but an imitation thereof, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 sec. 15; 85 v. 74 sec. 6.)

Placards to be displayed by hotel proprietors, etc.

SECTION 12732. Whoever, being a proprietor, keeper, manager, or person in charge of a hotel, boarding house, restaurant, eating house, lunch counter, lunch room, boat, railroad car or other place, therein sells, uses, disposes of, furnishes, serves, or uses in cooking, a substance which appears to be, resembles, or is made in, or as an imitation of, or a substitute for butter or cheese which is not wholly made from pure milk or cream, salt and harmless coloring matter, without keeping a card in a conspicuous place therein, which shall be white and not less than ten by fourteen inches in size, upon which shall be printed in plain, black Roman letters, not less than twelve line pica, the words "oleomargarine sold and used here," or "imitation cheese sold and used here," and no other words, or sells, furnishes or disposes of such substance as and for butter or cheese made from pure milk or cream, salt and harmless coloring matter, when butter or cheese is asked for, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 sec. 15; 85 v. 75 sec. 7.)

Coloring matter in manufacturing oleomargarine prohibited.

SECTION 12733. Whoever manufactures oleomargarine which contains methyl, orange, butter-yellow, annatto, aniline dyes or other coloring matter, shall be fined not less than one hundred dollars nor more than five hundred dollars, and, for each subsequent offense, in addition to the above fine, may be imprisoned not more than ninety days. (91 v. 274, 275 secs. 1, 5.)

Selling oleomargarine containing same.

SECTION 12734. Whoever, not being a manufacturer thereof, offers or exposes for sale, sells or delivers, or has in his possession with intent to sell or deliver oleomargarine which contains methyl-orange, butter-yellow, annatto, aniline dyes or other coloring matter, shall be fined not less than fifty dollars nor more than one hundred dollars. (91 v. 274, 275 secs. 1, 5.)

Oleomargarine defined.

SECTION 12735. The word "oleomargarine" as used in the next two preceding sections means any substance, not pure butter of not less than eighty per cent. of butter fats, which is made as a substitute for, in imitation of, or to be used as butter. (91 v. 275 sec. 4.)

BUTTER AND CHEESE.

Notice to guest or patron of hotel, etc.

SECTION 12736. Whoever furnishes, or causes to be furnished, in a hotel, restaurant or lunch-counter "filled cheese," or "skimmed cheese," or a substance made in imi-

tation or semblance of cheese, or as a substitute therefor, not made entirely from milk or cream, with salt, rennet and harmless coloring matter, to a guest or patron thereof, instead of cheese, and fails to notify him that the substance so furnished is not cheese, shall be fined not less than ten dollars nor more than fifty dollars for each offense. (92 v. 53 sec. 7.)

SECTION 12737. Whoever sells or offers for sale, to a person asking, sending or inquiring for cheese, an article, substance or compound made in imitation or semblance of or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet and harmless coloring matter, and containing not less than ten per cent. pure butter fats, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (97 v. 253, sec. 3.)

Selling or offering imitation or substitute when cheese called for.

SECTION 12738. Whoever peddles, sells, solicits orders for the future delivery of or delivers from a cart, wagon, or other vehicle, upon the public streets or ways, "filled cheese," "skimmed cheese" or a substance made in imitation or semblance of cheese or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet and harmless coloring matter, not having on both sides of such cart, wagon or other vehicle a placard in uncondensed gothic letters not less than three inches in length containing the words "filled cheese" or "skimmed cheese" and no other words, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (92 v. 52 sec. 6.)

Failure to placard sides of vehicle.

SECTION 12739. Whoever sells "filled cheese," "skimmed cheese" or a substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet and harmless coloring matter, from a dwelling, store, office or public mart, without having conspicuously posted thereon a placard or sign in letters not less than four inches in length "filled cheese sold here" or "skimmed cheese sold here," and no other words, shall be fined one hundred dollars and one hundred dollars for each day's failure thereafter to conform to such provision of law. (92 v. 52 sec. 5.)

Posting of placard at place of business.

SECTION 12740. Whoever manufactures out of any oleaginous substance, or a compound thereof, other than that produced from unadulterated milk or cream, salt and harmless coloring matter, an article designed to be sold as butter or cheese made from pure milk or cream, salt or

Restrictions on manufacture of artificial dairy products.

harmless coloring matter, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. This section shall not prevent the use of pure skimmed milk in the manufacture of cheese. (83 v. 178, 180 secs. 2, 15.)

Restrictions
on sale of
artificial dairy
products.

SECTION 12741. Whoever sells, exposes or offers for sale or exchange, a substance purporting, appearing or represented to be butter or cheese, or having the semblance thereof, which is not made wholly from pure milk or cream, salt and harmless coloring matter, unless it is done under its true name and each vessel, package, roll or parcel of such substance has distinctly and durably painted, stamped, stenciled or marked thereon its true name and the name of each article or ingredient used or entering (into) the composition thereof in ordinary bold faced letters, not less than five line pica in size, or sells or disposes of such substance without delivering with each amount sold or disposed of a label so marked, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (84 v. 182 sec. 1; 83 v. 180 sec. 15.)

Selling or
offering imita-
tion or sub-
stitute with-
out proper
brands and
placard.

SECTION 12742. Whoever sells or offers for sale, an article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet and harmless coloring matter, not marked and distinguished by all the marks, words and stamps required by law, and not having in addition thereto upon the exposed contents of every opened tub, box or parcel thereof, a conspicuous placard with the words "filled cheese" or "skimmed cheese," as the case may be, printed thereon in plain, uncondensed letters not less than one inch long, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (92 v. 52 sec. 4.)

Branding
"full milk
cheese" and
"Ohio state
full cream
cheese."

SECTION 12743. Whoever puts a brand indicating "full milk cheese" upon cheese made of milk from which any of the cream has been taken, or uses such brand without having obtained from the dairy and food commissioner, in conformity to law, a stencil brand containing the words "Ohio state full cream cheese," or uses such brand upon other than full cream cheese or a package containing such cheese, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for

each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (92 v. 53, sec. 8.)

SECTION 12744. The next preceding section shall not prohibit the manufacture and sale of full skimmed cheese from pure, wholesome and unadulterated milk that is skimmed. (92 v. 43, sec. 8.)

Skimmed
cheese.

SECTION 12745. Whoever sells, exposes for sale or has in his possession with intent to sell, an article, substance or compound made in imitation or semblance of cheese, as a substitute therefor, not made exclusively of milk or cream, with salt, rennet and harmless coloring matter, or containing fats, oils or grease not produced from milk or cream, without having the words "filled cheese" stamped, labeled or marked in printed letters of plain, uncondensed gothic type, not less than one inch in length so that the words can not easily be defaced, upon the side of each cheese, cheese-cloth or band around it, and upon the top and side of each tub, firkin, box or package containing it, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (97 v. 253, sec. 1.)

Sale of "filled
cheese."

SECTION 12746. Whoever sells, exposes for sale or has in his possession with intent to sell, cheese made exclusively of milk or cream with salt, rennet, and with or without harmless coloring matter and containing less than twenty-one per cent. of pure butter fat, without having the words "skimmed cheese" stamped, labeled or marked in printed letters of plain, uncondensed gothic type not less than one inch in length so that the words can not easily be defaced, upon the side of each cheese, cheese cloth or band around it, and upon the top and side of each tub, firkin, box or package containing it, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (97 v. 253 sec. 1; amended April 7, 1910.)

Sale of
"skimmed
cheese."

SECTION 12746-1. Whoever sells, exposes for sale or has in his possession with intent to sell, cheese made exclusively of milk or cream with salt, rennet, and with or without harmless coloring matter, containing twenty-one per cent. or more and less than thirty per cent. of pure butter fat without having the words "Ohio Standard Cheese" stamped, labeled or marked in printed letters of plain uncondensed gothic type not less than one inch in

Labeling of
"skimmed
cheese."

length so that the words cannot easily be defaced, upon the side of each cheese, cheese cloth or band around it, and upon the top and side of each tub, firkin, box or package containing it, shall be fined not less than fifty dollars nor more than one hundred dollars. (Act of April 7, 1910.)

Sale of
"skimmed
cheese" not in
original pack-
age.

SECTION 12747. Whoever retails "filled cheese" or "skimmed cheese," as provided in the next two preceding sections, not in the original package, without attaching to each piece or package sold and delivered, a wrapper or label bearing in a conspicuous place on the outside of the package the words "filled cheese" or "skimmed cheese" in printed letters of plain, uncondensed gothic type not less than one inch in length, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (97 v. 253 sec. 1.)

Erasing or
canceling label
on filled or
skimmed
cheese.

SECTION 12748. Whoever sells, exposes for sale or has in his possession with intent to sell, an article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, except as provided in the next three preceding sections, or with intent to deceive, defaces, erases, cancels or removes a mark, stamp, brand, label or wrapper provided for in such sections, or falsely labels, stamps or marks a tub, box, article or package so marked, stamped or labeled, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (92 v. 51, sec. 2.)

Fraudulent
shipments of
dairy products.

SECTION 12749. Whoever packs, boxes, incloses, ships or consigns a substance as butter or cheese made from pure milk or cream, salt and harmless coloring matter in such a manner as to conceal an inferior article by placing a finer grade of butter or cheese upon the surface of it, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 secs. 8, 15.)

Falsely marked
imitation dairy
products.

SECTION 12750. Whoever sells, exchanges, exposes or offers for sale or exchange, disposes of or has in his possession a substance made in imitation or resemblance of, or as a substitute for a dairy product which is falsely branded, stenciled, labeled or marked as to the place where made, the name or cream value thereof, its composition or

ingredients or in any other respect, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 179, 180 secs. 4, 15.)

SECTION 12751. Whoever sells, exchanges, exposes or offers for sale or exchange, disposes of or has in his possession a dairy product which is falsely branded, stenciled, labeled or marked as to the place where made, date of manufacture, name or cream value thereof, composition, ingredients or in any other respect, or cheese wholly made from skimmed milk not having on the box or can containing it the words "made from skimmed milk," shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 179, 180 secs. 5, 15.)

Selling falsely
branded dairy
products.

SECTION 12752. Whoever manufactures, mixes, compounds with or adds to pure milk, cream, butter or cheese, animal fat, animal, mineral or vegetable oils, acids or other deleterious ingredients, or manufactures an oleaginous or other substance not produced from pure milk or cream, salt and harmless coloring matter, or has in his possession or sells, offers or exposes it for sale or exchanges with intent to sell or dispose of it as and for butter or cheese made from unadulterated milk or cream, salt and harmless coloring matter, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 179, 180 secs. 3, 15.)

Mixing im-
proper articles
with butter or
cheese.

SECTION 12753. Whoever places on a package, roll, parcel or vessel containing an imitation dairy product not made wholly from pure milk or cream, salt and harmless coloring matter the words "butter," "creamery" or "dairy" or any word or combination of words embracing them, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 sec. 15; 84 v. 182, sec. 1.)

Improper use
of words
"butter,"
"creamery,"
etc.

SECTION 12754. Whoever, in a charitable or penal institution of the state, having charge of the purchase of butter or cheese, knowingly purchases any butter or cheese which is not made wholly from pure milk or cream, salt and harmless coloring matter, and permits it to be used in such institution, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense, shall be fined not less than one hundred dol-

Use of imita-
tion butter or
cheese at pub-
lic institutions.

lars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180, secs. 14, 15.)

Branding
"full milk
cheese."

SECTION 5781. A manufacturer of full milk cheese may put a brand upon each cheese manufactured by him indicating "full milk cheese," with the date and year when made, but a person shall not use such brand upon a cheese made from milk from which any of the cream has been taken. (92 v. 53 sec. 8.)

"Ohio state
full cream
cheese."

SECTION 5782. The dairy and food commissioner shall procure and issue to the cheese manufacturers of this state, upon proper application made on or before the first day of April of each year and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto, and the words "Ohio state full cream cheese." Such brand shall be used upon the outside of each cheese, cheese-cloth or band around it and upon the box or package containing it, and shall bear a separate number for each factory. Such brand shall not be used upon other than full milk cheese or packages containing it; provided, that no cheese shall be so branded unless it contains at least thirty per cent. of pure butter fat. Such commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using such brand, and the name or names of the person in each factory authorized to use it, and he shall receive one dollar for each registration according to the provisions of this section, such fee to be paid by the person applying for such registration. (92 v. 53 sec. 8; amended April 7, 1910.)

Registration.

Skimmed
cheese.

SECTION 5783. The next two preceding sections shall not prohibit the manufacture and sale of pure skimmed cheese made from milk that is clean, pure, wholesome, and unadulterated except by skimming. (92 v. 53 sec. 8.)

RENOVATED OR PROCESS BUTTER.

Manufacturing
or selling
"renovated
butter" or
"process but-
ter."

SECTION 12755. Whoever manufactures for sale, offers or exposes for sale, sells, exchanges, delivers or has in his possession with intent to sell, exchange or deliver, butter that is produced by taking original packing stock butter or other butter, or both, melting such butter so that the butter fat can be drawn off or extracted, mixing such butter fat with milk, cream, skimmed milk or other milk product and reworking or reurning such mixture, or manufactures for sale, offers or exposes for sale, sells, exchanges, delivers or has in his possession for any of such purposes butter which has been subjected to any process by which it is melted, clarified or refined, and made to resemble butter, and is commonly known as boiled, or cold extracted process or renovated butter, and which is hereby designated as "renovated butter" or "process butter," unless it is branded or marked as provided in the next succeeding section, shall be fined not less than fifty dollars

nor more than two hundred dollars, and, for each subsequent offense shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the county jail or workhouse not less than thirty days nor more than sixty days, or both. (99 v. 243, 244 secs. 1, 3.)

SECTION 12756. Whoever sells, exposes for sale or has in his custody or possession with intent to sell, "renovated butter" or "process butter," as defined in the next preceding section, unless the words "renovated butter" or "process butter" are conspicuously stamped, labeled or marked in one or two lines and in plain gothic letters, at least three-eighths of an inch square, so that such words can not easily be defaced, upon two sides of each tub, firkin, box or package containing it or exposes such butter for sale uncovered or not in a case or package, unless a placard containing such words in the form above described, is attached to the mass in such manner as to be easily seen and read by the purchaser; or sells such butter for such package or otherwise at retail, in print, roll or other form, unless before delivering to the purchaser thereof, it is contained in wrappers upon the outside of which is plainly printed or stamped the words "renovated butter" or "process butter" in one or two lines in plain gothic letters at least three-eighths of an inch square without other words or printing thereon and in plain view of said purchaser and not concealed, shall be fined not less than fifty dollars nor more than one hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the county jail or workhouse not less than thirty days nor more, than sixty days, or both. (99 v. 244 secs. 2, 3.)

Labeling and packing such butter.

CALF UNDER FOUR WEEKS OLD.

SECTION 12761. Whoever, for the purpose of selling, kills a calf less than four weeks old, or knowingly sells its meat or has such meat in his possession with intent to sell, shall be fined not more than fifty dollars or imprisoned twenty days, or both. (R. S. Sec. 6928.)

Selling meat of calf less than four weeks old.

CANDY.

SECTION 12762. Whoever manufactures for sale, sells or offers for sale, candy with an admixture of terra alba, barytes, talc or other mineral substance, or with poisonous colors or flavors or other ingredients deleterious or detrimental to health, or, being a manufacturer of or dealer in candy, refuses, upon demand and a tender of payment therefor, to furnish a sample thereof for analysis, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than one hundred days, or both, and shall pay all costs and expenses incurred in inspecting and analyzing

Manufacture and sale of adulterated candy; samples.

such adulterated candy which shall be forfeited and destroyed under the direction of the court. (83 v. 119 secs. 1, 2, 3.)

FEED TO ANIMALS.

Feeding un-
wholesome
offal or flesh
to swine, etc.

SECTION 12779. Whoever feeds to animals, used for human food, the flesh of an animal which has become old, decrepit, infirm or sick, or which has died from such cause, or offal or flesh that is putrid or unwholesome, shall be fined not less than fifty dollars nor more than two hundred dollars or imprisoned not more than thirty days, or both, and, for each subsequent offense, shall be fined not less than fifty dollars nor more than two hundred dollars or imprisoned not more than six months, or both. (R. S. Sec. 6928-1.)

MAPLE SUGAR AND SYRUP.

Maple sugar
and syrup de-
fined.

SECTION 12763. Maple sugar or pure maple sugar and maple syrup or pure maple syrup are the unadulterated product (produced) by the evaporation of pure sap from the maple tree. The standard of weight of a gallon of maple syrup of two hundred and thirty-one cubic inches shall be eleven pounds. A substance purporting to be maple syrup or maple sugar not made in compliance with this section shall be an adulteration of maple syrup or maple sugar, and maple syrup of less weight than herein required shall be an adulteration of maple syrup. (97 v. 46 sec. 1; 98 v. 201 sec. 2.)

Adulterated
maple sugar
or syrup.

SECTION 12764. Whoever manufactures for sale, offers for sale, has in his possession with intent to sell, or sells or delivers, as and for maple syrup or maple sugar, an adulteration thereof shall be fined not less than fifty dollars nor more than two hundred dollars. (97 v. 46, 47 secs. 3, 6.)

Fraudulent
use of word
"maple".

SECTION 12765. Whoever offers for sale, has in his possession with intent to sell, sells or delivers an adulteration of maple syrup or maple sugar in a box, can, bottle or other package having the word "maple," or a compound thereof, as the name or part of the name of the contents thereof or a device or illustration suggestive of maple syrup or sugar or the manufacture thereof, shall be fined not less than fifty dollars nor more than two hundred dollars. (97 v. 47 secs. 5, 6.)

Package must
bear label of
packer.

SECTION 12766. Whoever offers for sale, has in his possession with intent to sell, sells or delivers as and for maple syrup or maple sugar, an article which does not bear the name and address of the packer and also the state, territory or country in which it was produced, in plain legible type upon the label, shall be fined not less than fifty dollars nor more than two hundred dollars. (97 v. 47 sec. 4.)

CANNED PRODUCTS.

SECTION 12775. Whoever, being a packer or dealer in preserved or canned fruits, vegetables or other articles of food, offers them for sale unless they bear a mark to indicate the grade or quality, and the name and address of the person, firm or corporation packing or dealing therein, except such as are brought from foreign countries, shall be fined not less than fifty dollars if a vendor, nor more than one thousand dollars if a manufacturer or packer. (82 v. 163 secs. 1, 3.)

Unlabeled
canned fruits
and vegetables.

SECTION 12776. Whoever falsely stamps or labels cans or jars containing preserved fruit, vegetables or other articles of food or knowingly permits such false stamping or labeling, shall be fined not less than five hundred dollars nor more than one thousand dollars; and whoever sells or offers to sell such cans or jars shall be fined not less than fifty dollars. (82 v. 163 sec. 3.)

Falsely stamp-
ing fruit or
vegetable
packages.

SECTION 12777. Whoever manufactures, sells or offers to sell "soaked" goods or goods put up from products dried before canning, without plainly marking them with an adhesive label having on its face the word "soaked," in letters not less in size than two line pica of solid and legible type, shall be fined not less than fifty dollars, if a vendor, and not less than five hundred dollars nor more than one thousand dollars, if a manufacturer or packer. (83 v. 73 sec. 2; 82 v. 163 sec. 3.)

Label of
"soaked"
goods.

SECTION 12778. Every board of health shall prosecute a person, firm or corporation which it has reason to believe has violated any provision of the next three preceding sections; and, after deducting the costs of trial, retain the residue of fines recovered for the use of such board. (82 v. 163 sec. 3.)

Board of
health to
prosecute
under three
preceding
sections.

LINSEED OIL.

SECTION 12790. Whoever manufactures, offers or exposes for sale raw flaxseed or linseed oil unless it is wholly obtained from the seeds of the flax plant and fulfills all the requirements recognized by the eighth decennial revision of the United States pharmacopoeia, shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days, or both. (92 v. 418 sec. 3; 99 v. 64 sec. 1.)

Manufacture
and sale of
raw flaxseed
or linseed oil.

SECTION 12791. Whoever manufactures, offers or exposes for sale boiled linseed oil unless it has been prepared by heating pure raw linseed oil to a temperature of 225 degrees Fahrenheit and incorporating not to exceed four per cent. by weight of drier, shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days, or both. Such boiled linseed oil must also conform to the following requirements: 1st. Its specific gravity

Same as to
boiled linseed
oil.

at 60 degrees Fahrenheit must be not less than 0.935 and not greater than 0.945. 2d. Its saponification value (Koettstorfer figure) must not be less than 186. 3rd. Its iodine number must not be less than 160. 4th. Its acid value must not exceed 10. 5th. The volatile matter expelled at 212 degrees Fahrenheit must not exceed one-half of one per cent. 6th. No mineral oil shall be present, and the amount of unsaponifiable matter as determined by standard methods shall not exceed 2.5 per cent. 7th. The film left after flowing the oil over glass and allowing it to drain in a vertical position must be free from tackiness in not to exceed twenty hours, at a temperature of about 70 degrees Fahrenheit. (92 v. 418 sec. 3; 99 v. 64 sec. 1.)

Selling same under false name or without proper branding.

SECTION 12792. Whoever sells, exposes or offers for sale, flaxseed or linseed oil unless it is done under its true name, and each tank-car, tank, barrel, keg or other vessel containing such oil has distinctly and durably painted, stamped, stenciled or marked thereon in ordinary boldfaced capital letters not less than five lines pica in size, the words "pure linseed oil—raw" or "pure linseed oil—boiled" and the name and address of the manufacturer thereof, shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days, or both. (92 v. 418 secs. 2, 3.)

Falsely labeling tank cars or vessels containing same.

SECTION 12793. Whoever falsely stamps or labels tank-cars, barrels, kegs, cans or other vessels containing flaxseed or linseed oil, or knowingly permits such stamping or labeling, shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days, or both. (92 v. 418 sec. 3.)

Duty of dairy and food commissioner.

SECTION 12794. The dairy and food commissioner shall enforce the provisions of the next four preceding sections. (92 v. 418 sec. 4.)

PART SECOND TITLE II Chapter 24.

PAINTS, WHITE LEAD AND TURPENTINE.

Label must not be deceptive.

SECTION 6331. No person, firm or corporation shall expose for sale or sell within this state, paint, turpentine or linseed oil which is labeled or marked so as to tend to deceive the purchaser thereof as to its nature or composition, or which is not labeled as required by this chapter. (99 v. 118 sec. 1; amended May 10, 1910.)

Adulterated turpentine; how labeled.

SECTION 6331-I. No person, firm or corporation shall manufacture, mix for sale, sell, or offer for sale, for other than medicinal purposes, under the name of turpentine, or spirits of turpentine, or any compounding of the word turpentine, or under any name or device illustrating or suggesting turpentine, or spirits or turpentine, any article which is not wholly distilled from rosine, turpentine gum, or scrape from pine trees, and unmixed and unadulterated with oil, benzine or any other foreign substance of any kind whatsoever, unless the package containing

same shall be stenciled or marked, with letters not less than two inches high, adulterated spirits of turpentine. Nothing herein contained shall be construed as prohibiting the manufacture or sale of any such compound or imitation, providing the container shall be plainly marked, and the purchaser notified, as aforesaid. (Act of May 10, 1910.)

SECTION 6332. The term "paint" as used in this chapter shall include oxide of zinc, red lead and white lead, dry or in any kind of oil, and a compound intended for like use, colors ground in oil, paste or semi-paste paint, and liquid or mixed paint ready for use. (99 v. 118 sec. 2.)

Paint defined.

SECTION 6333. The label required by this chapter shall clearly and distinctly state the name and residence of the manufacturer of the paint, or of the distributor thereof or of the party for whom it is manufactured, and show the name or names of any substance or substances used in quantities sufficient to be dangerous or injurious to human life or health whether through absorption, contact or inhalation. The label shall be printed in the English language in plain, legible type, in continuous list, with no intervening matter of any kind. (100 v. 101 sec. 3.)

Label, what to specify.

SECTION 6334. The label on paint sold by measure shall show the net measure of the contents of the container, and on paint sold by weight, the net weight of the contents of the package. (99 v. 118 sec. 4.)

Measure or weight to be shown.

SECTION 6335. The possession of an article or substance improperly marked or inaccurately labeled, as provided in this chapter, by a person, firm or corporation dealing therein shall be prima facie evidence that it is so kept in violation of this chapter and the penal statutes relating thereto. (99 v. 119 sec. 6.)

Possession.

SECTION 6336. The dairy and food commissioner of Ohio shall enforce the provisions of this chapter and the penal statutes relating thereto, and such commissioner, his assistants, experts, chemists and agents shall have access and ingress to the places of business stores and buildings used for the sale of paint, turpentine or linseed oil, and may open any package, can, jar, tub or other receptacle containing an article that may be sold or exposed for sale in violation of such provisions or statutes. The inspectors, assistant (assistants) or chemists, appointed by such commissioner, shall perform like duties and have like authority under this chapter and the penal statutes relating thereto as is provided by law in other cases. Such commissioner shall publish bulletins from time to time giving the results of inspections and analyses, with such other information as he deems suitable. (99 v. 119 secs. 7, 8.)

Duty of dairy and food commissioner.

SECTION 13168. Whoever violates any provision of law relating to the labeling of paints, mixed paints and similar compounds or white lead by manufacturers or distributors thereof, shall be fined not more than fifty dollars,

Violating law relating to paints.

and for each subsequent offense, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than one hundred days, or both. (99 v. 119 sec. 9.)

SANITARY INSPECTION.

Unsanitary
bakery,
creamery,
packing house,
etc.

SECTION 12797. Whoever, being the proprietor, owner or manager of a bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, eating house, packing house, slaughter house, ice cream factory, or place where a food product is manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose, fails to place it in a clean and sanitary condition within the time stated in the notice provided for in the next succeeding section, or fails to keep it in such condition thereafter, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the county jail not less than thirty days nor more than one hundred days, or both. (100 v. 14, 15 secs. 1, 3.)

Duty of dairy
and food
commissioner.

SECTION 12798. If the dairy and food commissioner or any of his assistants, inspectors or agents, is of the opinion that a place named in the next preceding section is being operated in violation of such section he shall notify the proprietor, owner or manager thereof, in writing, to place it in a clean and sanitary condition within a reasonable time to be stated in such notice, which time shall not be less than ten days. (100 v. 15 sec. 2.)

WEIGHTS AND MEASURES.

STATE SEALER.

PART SECOND
TITLE V.
Chapter 11.

State sealer
and standards
of weights and
measures.

SECTION 7965. The state dairy and food commissioner shall be state sealer. The standards of weights and measures adopted by the state shall be deposited in a suitable room at Columbus, and be by him kept in suitable cases, to be opened only for the purpose of comparing them with such standards the copies which by law are furnished for the use of the several counties, cities or villages, unless by joint resolution of the general assembly, or upon a call of either house for information, or by order of the governor for scientific purposes. The state dairy and food commissioner shall, upon the passage of this act, and once every three years thereafter, require each county auditor and city or village sealer, in this state, to present all standards of weights and measures in their possession to him for comparison with the standards adopted by the state, and the dairy and food commissioner shall condemn and destroy all of such standards as do not conform with the

standards adopted by the state. Each county auditor and each city and village sealer shall be required to procure copies of all the original standards adopted by the state named in section seven thousand, nine hundred and sixty-six of the General Code, except such standards now in their possession as the state dairy and food commissioner shall find to conform with the standards adopted by the state. It shall be the duty of the state dairy and food commissioner to advise and assist all county, city and village sealers, and generally be charged with the enforcement of all laws relating to weights and measures, and in the performance of such duties he may use the services of any persons employed under his department. The state dairy and food commissioner or any person employed by him for that purpose may try and prove any weights, measure, balance and any other weighing or measuring device, on request from any person, and when the same are found or made to conform to the state standards shall cause the same to be sealed and marked, as provided in section two thousand six hundred and sixteen of the General Code. (R. S. Sec. 142; amended May 10. 1910.)

SECTION 7966. Copies of the original standards of the following materials, shall be procured by the state sealer for the use of each county in this state, not already furnished, in pursuance of law, and be delivered by him to the auditor thereof: One-half bushel measure, of one-eighth inch copper, with brass rim; one gallon measure, of one-sixteenth inch copper, with brass rim and handle; one-half gallon, one quart, one pint, and one-half pint measure, to be made in the same manner and of the same material; fifty, twenty-five, twenty, ten, five, four, three, two and one pound weights, avoirdupois, to be made of cast iron, turned, polished and trimmed; and one-half pound, one-quarter pound, two ounce, one ounce, half ounce, and quarter ounce weights, troy, to be made of brass; one brass yard measure, graduated into feet, inches and tenths. (R. S. Sec. 143.)

Copies of standards for use of counties.

SECTION 7967. The state sealer shall cause to be impressed on each of the copies, so to be delivered to the counties, the letter "O," and such other device for each county as he directs before its deposit in the county auditor's office. Such device shall be recorded in the state sealer's office, and a copy thereof furnished to the auditor of the proper county. (R. S. Sec. 144.)

Device on county standards.

SECTION 7968. The state sealer shall furnish like copies of the original standards to the sealer of any city or village upon application therefor, and payment of the cost thereof, by such city or village. (R. S. Sec. 145.)

Like copies to be furnished to cities and villages.

SECTION 7969. The state sealer shall render accounts to the auditor of state of all moneys by him paid or liabilities incurred in procuring and delivering copies of the standards to the counties; and the auditor shall audit such accounts and draw his warrants on the state treasurer for the amounts he finds due, which must be paid by the treas-

Expenses.

Inspection of
gas and meters.

SECTION 7970. The state sealer of weights and measures shall have charge of all the apparatus and property, belonging to the state, intended for the inspection of illuminating gas and gas meters, and the testing of the registration of meter-provers; he shall test the registration of all meter-provers that may be presented to him for that purpose, and stamp and seal all such meter-provers, so tested, that are found correct. For testing the registration of gas meter-provers, to be paid by the persons requiring such service, he shall be allowed the sum of five dollars for each meter-prover tested. (R. S. Sec. 147.

COUNTY SEALER.

PART FIRST
TITLE X
DIVISION II.
Chapte 3.

County sealer.

SECTION 2615. By virtue of his office, the county auditor shall be county sealer of weights and measures and shall be responsible for the preservation of the copies of the original standards delivered to his office. It shall be the duty of the county auditor to see that all state laws relating to weights and measures be strictly enforced throughout his county and to assist generally in the prosecution of all violations of such laws. (R. S. Sec 1054; amended May 10, 1910.)

Duties of
county sealer;
weights, meas-
ures, etc., must
be sealed.

SECTION 2616. The county sealer shall compare all weights and measures, brought to him for that purpose, with the copies of standards in his possession. When they are made to conform to the legal standards, the officer comparing them shall seal and mark such weights and measures. No weight, measure, balance or other weighing or measuring device shall be used or maintained for weighing and measuring in this state unless such weight, measure, balance or other weighing or measuring device has been sealed or marked by the state dairy and food commissioner, or any employe of said commissioner detailed for that purpose, or by the county sealer or by the sealer of the city or village in which the same is used or maintained, by stamping upon each the letter "O" and the last two figures of the year in which it has been compared with legal standards, adjusted and found or made to conform to said standards, with seals to be provided by said dairy and food commissioner for that purpose. Whoever violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one hundred dollars for the first offense and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned for not more than ninety days or both. A justice of the peace, police judge, or mayor shall have final jurisdiction in such cases as in cases of violation of law relating to the adulteration of food and drink and dairy products. (R. S. Sec. 1055; amended May 10, 1910.)

County sealer
shall deliver
copies to suc-
cessor.

SECTION 2617. When a county sealer resigns, is removed from office, or removes from the county, he shall

deliver to his successor in office the standards, beams, weights, and measures in his possession. In case of the death of a county sealer his representatives shall, in like manner, deliver to his successor in office such beams, weights and measures. (R. S. Sec. 1056.)

Penalty for refusal.

SECTION 2618. In case of neglect or refusal to deliver such standards entire and complete, the successor in office may maintain a civil action against the person so refusing or neglecting, and recover double the value of such standards as have not been delivered, with costs of suit, which shall be by him appropriated to the purchase of such standards as are required in his office. (R. S. Sec. 1057.)

SECTION 2619. No surveyor shall give evidence in a cause pending in any of the courts of this state, or before arbitrators, respecting the survey or admeasurement of any lands, unless such surveyor makes oath, if required, that the chain or measure used by him was conformable to the standards of this state. (R. S. Sec. 1058.)

Surveyors' chains, and testimony.

SECTION 2620. If any person hereafter uses any weights, measures, or beams, in weighing or measuring, which do not conform to the standards of the state, or any other measures established by law, whereby a dealer in, purchaser, or seller of, any commodity or article of traffic is injured or defrauded, such dealer, purchaser, or seller, may maintain a civil action against the offender, and if judgment is rendered him, he shall receive double damages and costs of suit. (R. S. Sec. 1059.)

Penalty for using false weights and measures.

SECTION 2621. The provisions of the preceding two sections shall not be enforced in any county, unless it has been furnished with copies of the standards of this state, at least six months previous to such measuring or surveying. (R. S. Sec. 1060.)

When not to be enforced.

SECTION 2622. Each county sealer of weights and measures shall appoint by writing under his hand and seal, a deputy who shall compare weights and measures brought to the office of the county sealer for that purpose, with the copies of the original standards in the possession of the county sealer, who shall receive for the performance of that duty, the compensation in each case provided by law. Such deputy shall also be employed by the county sealer to assist in the prosecution of all violations of laws relating to weights and measures. (R. S. Sec. 1061; amended May 10, 1910.)

Deputy sealer of weights and measures.

SECTION 2623. Each sealer may receive for his services, the following fees: For sealing and marking every beam, ten cents; for sealing and marking measures of extension, at the rate of ten cents per yard, not exceeding twenty-five cents for any one measure; for sealing and marking each weight, five cents; for sealing and marking liquid or dry measures, if of one gallon or more, ten cents, and if less than one gallon, five cents; and a reasonable compensation for marking such weights and measures, so as to conform to the standards. (R. S. Sec. 1062.)

Fees.

PART FIRST
TITLE XII
DIVISION V
SUBDIVISION II.
Chapter 7.

CITY SEALER.

Sealer of weights and measures; appointment and term.

SECTION 4318. The mayor may appoint a sealer of weights and measures, who shall hold office co-extensive with the term of office of the mayor who made his appointment, and until his successor is appointed and qualified, unless otherwise removed from office. (R. S. Sec. 1783.)

Qualification and compensation.

SECTION 4319. The sealer of weights and measures shall be a competent person for the position, and shall receive a salary fixed by ordinance, to be paid by the corporation, which salary shall be instead of all fees or charges otherwise allowed by law or ordinance. (R. S. Sec. 1783.)

Oath and bond.

SECTION 4320. Before entering upon his duties, the sealer of weights and measures shall take the oath of office required by law, and give bond to the corporation in such amount as is prescribed by ordinance, with security to the approval of the mayor, and conditioned for the faithful performance of his duties. (R. S. Sec. 1783.)

Comparison with county standards.

SECTION 4321. At least once in three years, the sealer of weights and measures shall compare the copy of standards in his possession with those in the office of the county sealer. (R. S. Sec. 1783.)

Comparison and sealing of weights and measures.

SECTION 4322. The sealer of weights and measures shall compare all weights and measures brought to him for that purpose with the copies in his possession, and when such weights and measures are made exactly to agree with such copies, he shall seal and mark them. (R. S. Sec. 1784.)

PART SECOND
TITLE II.
CHAPTER 32.

STANDARDS.

Standards, those furnished by United States government; metric system.

SECTION 6403. The standard weights and measures furnished this state by the secretary of the treasury of the United States under a resolution of Congress, approved June 14, one thousand eight hundred and thirty-six, shall be the legal standard of weights and measures throughout the state. This chapter shall not prevent the use of the weights and measures of the metric system, authorized by congress of the United States, as it appears in the revised statutes of the United States. (R. S. Sec. 4428.)

By what standard contracts construed.

SECTION 6404. Contracts for work to be done, or for anything to be sold by weight or measure, shall be construed according to the standards hereby adopted as the standards of this state. (R. S. Sec. 4429.)

Yard, the standard measure of length and surface.

SECTION 6405. The unit of standard measure of length and surface, from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, is the standard yard, in possession of the secretary of state, and furnished by the government of the United States. The yard shall be divided into three equal parts, called feet, and each foot into twelve equal parts, called inches. For the measure of clothes and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths. (R. S. Sec. 4430.)

SECTION 6406. The rod, pole or perch shall contain five and a half such yards, and the mile, one thousand seven hundred and sixty such yards. The chain for measuring land shall be twenty-two yards long, and be divided into one hundred equal parts, called links. (R. S. Sec. 4431.)

Contents of a rod, pole, perch, mile or chain.

SECTION 6407. The acre for land measure shall be measured horizontally, and contain ten square chains, and be equivalent in area to a rectangle sixteen rods in length and ten rods in breadth. Six hundred and forty acres shall be contained in a square mile. (R. S. Sec. 4432.)

Contents of an acre.

SECTION 6408. The perch of mason work or stone shall consist of twenty-five cubic feet. (R. S. Sec. 4433.)

Contents of perch of mason work or stone.

SECTION 6409. The standard measure of a cord of fire-wood or tan-bark shall be one hundred and twenty-eight cubic feet, well stowed and packed. (R. S. Sec. 4434.)

Contents of a cord of fire-wood or tan-bark.

SECTION 6410. The units or standards of weight from which all other weights shall be derived and ascertained shall be the standard avoirdupois and troy weights furnished this state by the United States government. (R. S. Sec. 4435.)

Standard weights.

SECTION 6411. The avoirdupois pound, which bears to the troy pound the ratio of seven thousand to five thousand seven hundred and sixty, shall be divided into sixteen equal parts called ounces. The hundredweight except of pig-iron and iron ore, shall consist of one hundred avoirdupois pounds, and twenty hundred weight shall constitute a ton. The troy ounce shall be equal to the twelfth part of a troy pound. (R. S. Sec. 4436.)

Definition of a pound and its subdivisions. ton.

SECTION 6412. The unit or standard measure of capacity for liquids, from which all other measures of liquids shall be derived and ascertained, shall be the standard gallon, and its parts, furnished this state by the government of the United States. (R. S. Sec. 4437.)

Gallon the standard measure for liquids.

SECTION 6413. The barrel shall contain thirty-one and one-half gallons, and two barrels shall constitute a hogshead. Barrels, for the purpose of containing apples, potatoes, onions or other fruit, produce or vegetables, shall be made of staves of seasoned timber, twenty-eight and one-half inches in length with cut heads of seventeen and one-eighths inches in diameter and shall measure at the bulge not less than sixty-six inches in circumference, outside measure. Such barrel shall be known as "the standard barrel," and on the outside of one or more of the staves thereof shall be stamped or branded the words "State of Ohio, standard," the name of the cooper or manufacturer thereof and the name of the city or town nearest to which the cooper shop or place of business of such manufacturer is located. (92 v. 406 sec. 2; R. S. Sec. 4438.)

Contents of barrel and hogshead and branding thereof.

SECTION 6414. The unit or standard measure of capacity for substances other than liquids, from which all other measures of such substances shall be derived and ascertained, shall be the standard half-bushel measure furnished this state by the government of the United States,

Half-bushel the standard measure for substances other than liquids.

the interior diameter of which is thirteen inches and thirty-nine-fortieths of an inch, and the depth is seven inches and one-twenty-fourth of an inch. (R. S. Sec. 4439.)

Subdivisions
of half-
bushel.

SECTION 6415. The peck, half-peck, quarter-peck, quart and pint measures for measuring commodities other than liquids, shall be derived from the half-bushel measure by dividing it and each successive measure by two. (R. S. Sec. 4440.)

Heaped
measures.

SECTION 6416. Articles usually sold by heaped measure shall be heaped in a conical form as high as such articles permit. (R. S. Sec. 4441.)

How dry
commodities
measured.

SECTION 6417. Measures for measuring dry commodities not usually heaped shall be struck with a straight stick, with the edges rounded. Commodities other than liquids, when sold by the gallon or less, shall be sold by the dry measure. (R. S. Sec. 4442.)

Standard
weight of
bushel.

SECTION 6418. A bushel of the respective articles hereinafter mentioned shall be the amount of weight, avoirdupois, in this section specified, viz: of wheat, sixty pounds; of rye, fifty-six pounds; of timothy seed, forty-five pounds; of hemp seed, forty-four pounds; of millet seed, fifty pounds; of buckwheat, fifty pounds; of beans, sixty pounds; of peas, sixty pounds; of hominy, sixty pounds; of Irish potatoes, sixty pounds; of sweet potatoes, fifty pounds; of onions, fifty-five pounds; of dried peaches, thirty-three pounds; of dried apples, twenty-four pounds; of flaxseed, fifty-six pounds; of barley, forty-eight pounds; of malt, thirty-four pounds; of Hungarian grass seed, fifty pounds; of lime, seventy pounds; of coke, forty pounds; of bituminous coal, eighty pounds; of cannel coal, seventy pounds; of corn, shelled, fifty-six pounds; of corn in the ear, sixty-eight pounds; of popcorn in the ear, forty-two pounds; of tomatoes, fifty-six pounds; of apples, fifty pounds; of peaches, forty-eight pounds; of turnips, sixty pounds; of carrots, fifty pounds; of beets, fifty-six pounds; of oats, thirty-two pounds; of clover seed, sixty pounds. (R. S. Sec. 4443.)

Bushel for
measuring
stone, coal
and lime.

SECTION 6419. The standard bushel of stone coal, coke and unslacked lime, shall contain twenty-six hundred and eighty-eight cubic inches; and the measure for measuring such articles shall contain two bushels, and be of the following interior dimensions: twenty-four inches diameter at the top, twenty inches at the bottom, and fourteen and one-tenth inches deep. (R. S. Sec. 4444.)

When coal
sold by
weight; when
by measure-
ment.

SECTION 6420. Sales of coal shall be by weight; and two thousand pounds, avoirdupois shall constitute a ton thereof; but where coal can not be weighed, it may be sold by measurement. (R. S. Sec. 4445.)

Person selling
coal in vio-
lation of pro-
visions.

SECTION 6421. Whoever sells stone coal in violation of this chapter shall be liable to the person to whom such coal is sold and delivered in treble damages. If the defendant in such action does not reside in the county where the mine is located, service may be had upon him by leaving

a copy of the summons at his place of business. A judgment recovered in such action shall be a lien upon all property of such defendant in the county from the day of service. This section shall not apply to a person or corporation mining or selling less than fifteen thousand bushels of coal annually. (R. S. Sec. 4446.)

SECTION 6422. The standard of measurement for a bushel of charcoal shall be twenty-seven hundred and forty-eight cubic inches. (R. S. Sec. 4444a.)

Standard of measurement for bushel of charcoal.

SECTION 13106. Whoever, in buying or selling any property, or directing or permitting an employe so to do, knowingly makes or gives a false or short weight or measure or whoever has charge of scales or steelyards fixed for the purpose of misweighing an article bought or sold, or, having scales or steelyards for the purpose of weighing property, knowingly reports a false or untrue weight, or whoever uses in the sale of a commodity a computing scale or device indicating the weight and price of such commodity upon which scale or device the graduations or indications are false, or inaccurately placed, either as to weight or price, shall be fined not more than fifty dollars. (R. S. Sec. 7067.)

Selling by false weights.

SECTION 13107. Whoever sells and delivers stone coal except at legal weights and measures, shall be fined not less than five dollars nor more than fifty dollars or imprisoned not less than five days nor more than thirty days. (R. S. Sec. 7070.)

Selling stone-coal by unlawful weights or measures.

SECTION 13108. Whoever, in selling berries or other small fruits, uses a measure other than the standard dry measure bushel or a fraction thereof, shall be fined not less than ten dollars nor more than fifty dollars. (91 v. 134 sec. 1.)

Measure for small fruits.

SECTION 13109. Whoever, being a commission merchant, miller, dealer, grain inspector, corporation, firm, association or person, or an officer, agent or employe thereof purchasing or receiving wheat in barter or exchange for flour, or otherwise, from the original producer, his agent or employe, for testing or determining the weight, grade, milling or market value thereof, uses a measure other than the standard half-bushel or uses a measure that is a fractional part of such standard half-bushel, furnished this state by the United States, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned in jail not more than thirty days, or both. Fines collected under this section shall be paid into the county treasury to the credit of the county fund. (91 v. 47 secs. 1, 2.)

Miller, grain-dealer, etc., must use standard half-bushel.

SECTION 13110. Whoever, being the owner or occupier of a mill, or his representative, agent or miller, takes a greater proportionate quantity of toll than is allowed by law, shall be fined not more than twenty dollars and be liable to the party injured in damages. (R. S. Sec. 1068.)

Taking illegal toll at mill.

Selling articles having forged stamp, brand or label affixed.

SECTION 13111. Whoever sells or keeps for sale goods, merchandise, a mixture or preparation, upon which a forged or counterfeit stamp, brand, imprint, wrapper, label or trade-mark is placed or affixed, intended to represent such goods, merchandise, mixture or preparation as the true and genuine goods, merchandise, mixture or preparation of another, knowing it to be counterfeit, shall be fined not more than one hundred dollars. (R. S. Sec. 7069.)

Making or using false gas meters.

SECTION 13127. Whoever, with intent to defraud, constructs or uses a false meter for measuring and registering the gas consumed under a contract with a gas company, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both. (R. S. Sec. 7071.)

Failure to mark weights on packages; transfer of brands; re-packing.

SECTION 13128. Whoever puts up or packs goods or articles sold by weight, into a case or package, and fails to mark thereon the gross, tare and net weights thereof in pounds and fractions thereof, or, with intent to defraud, transfers a brand, mark, or stamp placed upon a case or package by a manufacturer, to another case or package, or, with like intent, repacks a case or package so marked, branded or stamped with goods or articles of a quality inferior to those of such manufacturer, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both. (R. S. Sec. 7072.)

**PART FOURTH
TITLE II.
CHAPTER 1.**

PROCEDURE.

**JURISDICTION OF JUSTICES OF THE PEACE,
ETC.**

Special jurisdiction of justices, police judges and mayors.

SECTION 13423. Justices of the peace, police judges and mayors of cities and villages shall have jurisdiction, within their respective counties, in all cases of violation of any law relating to:

1. The adulteration or deception in the sale of dairy products and other food, drink, drugs and medicines;
2. The prevention of cruelty to animals and children;
3. The abandonment, non-support or ill-treatment of a child by its parent;
4. The abandonment or ill-treatment of a child under sixteen years of age by its guardian;
5. The employment of a child under fourteen years of age in public exhibitions or vocations injurious to health, life or morals, or which cause or permit it to suffer unnecessary physical or mental pain;
6. The regulation, restriction or prohibition of the employment of minors;
7. The torturing, unlawfully punishing, ill-treating or depriving any one of necessary food, clothing or shelter;
8. The selling, giving away or furnishing of intoxicating liquor as a beverage, or keeping a place where such liquor is sold, given away or furnished, in violation of any

law prohibiting such acts within the limits of a township and without the limits of a municipal corporation;

9. The shipping, selling, using, permitting the use of, branding or having unlawful quantities of illuminating oil for or in a mine;

10. The sale, shipment or adulteration of commercial feed stuffs;

11. The use of dust creating machinery in workshops and factories;

12. The conducting of a pharmacy, or retail drug or chemical store, or the dispensing or selling of drugs, chemicals, poisons or pharmaceutical preparations therein;

13. The failure to place and keep in a sanitary condition a bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, eating house, packing house, slaughter house, ice cream factory or place where a food product is manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose. (R. S. Secs. 306a, 3718a; 97 v. 397 sec. 9; 99 v. 32 sec. 3; 99 v. 507 secs. 77, 78; 100 v. 15 sec. 4; 100 v. 64 sec. 6.)

SECTION 13426. In all cases of summary conviction before a justice of the peace of an offense punishable by fine or imprisonment, the defendant shall have the right to except and to have a bill, containing the exceptions, signed by such justice and made part of the record. Such convictions may be reviewed by the common pleas court on proceedings in error and reversed or affirmed. (R. S. Sec. 614.)

SECTION 13427. For signing a bill of exceptions, a justice of the peace shall be allowed ten cents, and for copying and certifying the transcript of the proceedings and a bill of exceptions, ten cents for each hundred words, to be taxed in the cost bill and collected as other costs. (R. S. Sec. 615.)

SECTION 13432. In prosecutions before a justice, police judge or mayor, when imprisonment is a part of the punishment, if a trial by jury is not waived, the magistrate, not less than three days nor more than five days before the time fixed for trial, shall certify to the clerk of the court of common pleas of the county that such prosecution is pending before him. (R. S. Sec. 3718a.)

SECTION 13433. Thereupon the clerk, in the presence of representatives of both parties, shall draw from the jury wheel or box containing the names of persons selected to serve as petit jurors in the court of common pleas in such county, twenty names which shall be drawn and counted in a like manner as for jurors in the court of common pleas. The clerk shall forthwith certify the names so drawn to the magistrate, who, thereupon shall issue to any constable, chief of police or marshal in the county, a venire containing the names of the persons to serve as jurors in the case and make due return thereof. (R. S. Sec. 3718a.)

CHAPTER 2

Bills of exceptions in summary convictions.

Justice's fees for such bills.

CHAPTER 3.

When imprisonment is a part of the punishment a jury shall be impaneled.

Clerk's duties.

Jurors.

SECTION 13434. The jurors shall be subject to like challenges as jurors in criminal cases, except capital cases, in the court of common pleas. If the venire is exhausted without obtaining the number required to fill the panel, the magistrate shall fill the panel with talesmen in the manner provided for criminal cases in the court of common pleas. (R. S. Sec. 3718a.)

Second or subsequent offense.

SECTION 13435. In such prosecutions, where a different punishment is provided for a second or subsequent offense, the information or affidavit upon which the prosecution is based, must charge that it is the second or subsequent offense or the punishment shall be as for the first offense. (R. S. Sec. 3718a.)

Jurisdiction and power of constables, etc.

SECTION 13436. In pursuing or arresting a defendant and in subpoenaing the witnesses in such prosecutions, the constable, chief of police, marshal or other court officer shall have like jurisdiction and power as the sheriff in criminal cases in the common pleas court, and he shall receive like fees therefor. (R. S. Sec. 3718a.)

New trial.

SECTION 13437. In such prosecutions, if there is a verdict for conviction, a new trial may be granted for like reasons and subject to like conditions as a new trial in criminal cases in the court of common pleas. (R. S. Sec. 3718a.)

Fees of jurors and witnesses.

SECTION 13438. In such prosecutions, the jurors and the witnesses shall be entitled to like mileage and fees as in criminal cases in the court of common pleas. (R. S. Sec. 3718a.)

Costs.

SECTION 13439. In such prosecutions, no costs shall be required to be advanced or secured by a person authorized by law to prosecute. If the defendant is acquitted or discharged from custody by nolle or otherwise, or convicted and committed in default of paying fine and costs, all costs of such case shall be certified under oath by the trial magistrate to the county auditor, who, after correcting errors therein, shall issue a warrant on the county treasury in favor of the person to whom such costs and fees are payable. All moneys which are to be paid by the county treasurer as provided in this chapter shall be paid out of the general revenue fund of such county. (R. S. Sec. 3718a.)

PART SECOND.
TITLE I. TAXATION.
CHAPTER 15.
INTOXICATING LIQUORS.
SUB-DIVISION I.
DEFINITIONS.

LIQUOR TRAFFIC TAX LAWS.

SECTION 6065. The phrase "trafficking in intoxicating liquor" as used in this chapter and in the penal statutes of this state, means the buying or procuring and selling of intoxicating liquor otherwise than upon a prescription issued in good faith by a reputable physician in active practice, or for exclusively known mechanical, pharmaceutical or sacramental purposes. Such phrase does not include the manufacture of intoxicating liquor from the raw material, and the sale thereof at the manufactory, by the manufacturer thereof in quantities of one gallon or more at one time. (84 v. 224 sec. 8.)

Meaning of phrase "trafficking in intoxicating liquor."

SUB-DIVISION II.
TAXATION.

SECTION 6071. Upon the business of trafficking in spirituous, vinous, malt or other intoxicating liquor there shall be assessed yearly, and paid into the county treasury, as hereinafter provided, by each person, corporation or co-partnership engaged therein, and for each place where such business is carried on by or for such person, corporation or co-partnership, the sum of one thousand dollars. (98 v. 100 sec. 1.)

Tax on liquor business.

SECTION 6072. Such assessment, with any penalty thereon, shall attach and operate as a lien upon the real property on and in which such business is conducted, as of the fourth Monday of May each year, and shall be paid at the times provided for by law for the payment of taxes on real or personal property within this state, to-wit: one-half on or before the twentieth day of June, and one-half on or before the twentieth day of December of each year. (83 v. 158 sec. 2.)

Tax a lien; when; time of payment.

SECTION 6073. When such business is commenced after the fourth Monday in May in any year, such assessment shall be proportionate in amount to the remainder of the assessment year, except that it shall not be less than two hundred dollars, and such assessment shall attach and operate as a lien as provided in the next preceding section and be payable upon the date of such commencement. (98 v. 100 sec. 3.)

Tax for part of year.

SECTION 6074. When a person, company, corporation or co-partnership, engaged in such business, has been assessed and has paid the full amount of such assessment and afterward discontinued such business, the county auditor, upon being satisfied thereof, shall issue to such person, corporation or co-partnership a refunding order for a proportionate amount of such assessment so paid, but the amount of such assessment so retained shall not be less than two hundred dollars unless such discontinuance of business has been caused by an election under a local option law or a lawful finding of a mayor or judge on a petition filed in a residence district as provided in this

Refunding orders.

chapter, in which case the proportionate amount of such tax shall be refunded in full. (85 v. 56 sec. 4; R. S. Sec. 4364-20d; 98 v. 74 sec. 9; 98 v. 100 sec. 3; 99 v. 37 sec. 4.)

Railway companies operating buffet cars.

SECTION 6075. A railway corporation which maintains or conducts dining or buffet cars upon a train in which spirituous, vinous, malt or other intoxicating liquor is dispensed within this state or permits them to be so maintained or conducted, shall be assessed annually by the auditor of state and pay into the state treasury on or before the tenth day of June, the sum of one thousand dollars if such railway corporation maintains, operates or controls not to exceed two hundred miles of railway within this state, and the sum of fifteen hundred dollars, if it maintains, operates or controls over two hundred miles of railway within this state. (98 v. 100 sec. 3a.)

Penalty.

SECTION 6076. If such railway company neglect or refuse to pay such assessment when due, it shall be liable for such assessment, with a penalty of fifty per cent. in addition thereto to be recovered in an action brought in the name of the state of Ohio by the attorney-general in any court of record in any county of this state in which a line of such railway corporation runs. (98 v. 100 sec. 3a.)

Collection of tax in case of non-payment.

SECTION 6077. If a person, corporation or co-partnership refuses or neglects to pay the amount due under the provisions of this chapter within the time therein specified, the county treasurer shall forthwith collect such amount with the penalties thereon, and four per cent. collection fee and costs, by distress and sale, as on execution, from any goods and chattels of such person, corporation or co-partnership. (84 v. 158 sec. 4.)

Levy on goods and chattels.

SECTION 6078. The county treasurer shall forthwith call at the place of business of such person, corporation or co-partnership, and, in case of the refusal to pay such amount so due, shall levy on the goods and chattels of such person, corporation or co-partnership, wherever found in such county, or on the bar, fixtures, furniture, liquors, leasehold and other goods and chattels used in carrying on such business. Such levy shall take precedence of all liens, mortgages, conveyances or incumbrances hereafter taken or had on such goods and chattels so used in carrying on such business; and no claim of property by a third person to such goods and chattels so used in carrying on such business shall avail against such levy by the treasurer. No property, of any kind, of any person, corporation or co-partnership liable to pay such amount, penalty, interest and costs shall be exempt from such levy. (83 v. 158 sec. 4.)

Sale.

SECTION 6079. The county treasurer shall give like notice of the time and sale of the personal property to be sold under this chapter as in case of the sale of personal property on execution. All provisions of law applicable to sales of personal property on execution shall be applicable to sales under this chapter, except as herein otherwise

provided; and all moneys collected by such treasurer under this chapter, after deducting his fees and costs, shall be paid into the county treasury. (83 v. 158 sec. 4.)

SECTION 6080. If the county treasurer under the levy heretofore provided is unable to collect the amount due thereunder or any part thereof, the county auditor shall place the amount due and unpaid on the tax duplicate against the real estate in which such traffic is carried on, and it shall be collected as other taxes and assessments on such premises. (83 v. 158 sec. 4.)

Tax collected from real estate.

SECTION 6085. The county auditor shall make and preserve duplicates of the assessments, alphabetically arranged, showing the amount and date of each assessment, by whom to be paid and the premises whereon it is a lien. Upon receiving satisfactory information of such business liable to assessment or increased assessment, not returned by the assessor, he shall forthwith enter an assessment thereon and place it upon such duplicate and upon the county treasurer's copy thereof. By the first Monday of June of each year, he shall make out and deliver to the county treasurer a copy of such duplicate, charging him with the full amount of such assessments to be collected, with any additional assessments or increased assessments and penalties thereon. (R. S. Sec. 4364-14.)

Auditor's duplicate.

SECTION 6087. The assistant commissioner and inspectors appointed by the dairy and food commissioner, by personal visitation or otherwise, shall make investigations to secure the names of all persons, firms or corporations liable to such assessment or increased assessment, whose names are not already on the duplicate, and report such names to the dairy and food commissioner. (R. S. Sec. 4364-14a.)

Duty of assistant commissioner and inspectors.

SECTION 6088. The dairy and food commissioner, upon the report and information submitted to him, shall determine and forthwith certify to the auditor of state, the names of all persons, firms or corporations liable to such assessment or increased assessment, whose names are not already on the duplicate, together with a description of the real estate upon which said business is carried on. He shall keep a record of all such cases so certified by him to the auditor of state. (R. S. Sec. 4364-14a.)

Duty of the dairy and food commissioner.

SECTION 6089. Thereupon the auditor of state shall cause all of such names to be entered upon the assessment duplicate of the proper county by the auditor thereof, together with a penalty of twenty per cent. thereon, which shall be collected in like manner as other assessments. Upon the request of the dairy and food commissioner, the auditor of state and county treasurers shall forthwith make a report to him of their action upon all cases certified by him to the auditor of state until the duties and penalty thereon are paid into the county treasury. (R. S. Sec. 4364-14a.)

Duty of the auditor of state.

Percentage set aside by collection.

SECTION 6090. Ten per cent. of the amount so placed on the duplicate and collected shall be set apart and paid into the state treasury to the credit of the general revenue fund, the remainder thereof shall be distributed as provided in section sixty hundred and ninety-three. (R. S. Sec. 4364-14a.)

Remission of assessment.

SECTION 6091. The auditor of state, with the consent and approval of the dairy and food commissioner, may correct any errors or remit any such assessment or increased assessment, together with the penalty thereon, if it is found to have been erroneously or illegally certified. (R. S. Sec. 4364-14a.)

Collection by treasurer; proof of payment of U. S. tax.

SECTION 6092. The county treasurer shall collect and receipt for all assessments returned to him, and, if an assessment is not paid when due, he shall forthwith proceed, as provided in this chapter, to collect it. If he fails to satisfy such assessment from the goods and chattels therein described, he shall forthwith proceed as provided by law for the collection of unpaid taxes or assessments levied against lands, lots, or parcels thereof, to enforce the lien for such assessments with the penalty thereon. The provisions of law relating to such unpaid taxes or assessments levied against lands, lots or parcels thereof, and all other provisions of law relating to the assessment and collection of taxes are hereby made applicable to the enforcement of such liens and penalties. The county treasurer shall charge himself with all such assessments placed in his hands for collection, and shall account for them to the auditor, with all penalties collected thereunder. The fact, that the person, firm or corporation, against whom suit may be brought to enforce the collection of such assessment, has paid the special tax required by the laws of the United States for engaging in the sale of intoxicating liquor, as shown by the public records in the offices of the internal revenue department, may be offered in evidence as proof that he so engaged for the time for which such special tax was paid, and shall be prima facie evidence that such person, firm or corporation is actually engaged in the business of trafficking in intoxicating liquors as defined in this chapter. Nothing in this act shall be construed to apply to a regular druggist selling intoxicating liquors upon prescription, issued in good faith by a reputable physician, in active practice, or for exclusively known mechanical, pharmaceutical or sacramental purposes. (R. S. Sec. 4364-15.)

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